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U.S. Department of State

The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998

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THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The Former Yugoslav Republic of Macedonia, which became independent following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. In the third multiparty parliamentary elections held in October and November, opposition parties defeated parties of the governing coalition. International observers concluded that elections were conducted fairly and reflected the will of the electorate. The judiciary is generally independent.

The Ministry of Interior oversees the uniformed police, criminal police, border police, and the state intelligence service. Municipal police chiefs are responsible to the Ministry of the Interior, not to municipal leaders. The Ministry is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. Some members of the police occasionally committed human rights abuses.

The economy is in transition from Yugoslav-style communism to a market-based system. Most firms are privatized, big money-losing enterprises are being restructured, and inflation has been reduced to less than 4 percent. The economic picture has improved substantially since the lifting of the Greek embargo and the suspension of United Nations sanctions against Serbia, both in 1995, before which the gross domestic product fell an estimated 50 percent. Growth resumed slowly in 1996 and continued at about a 5 percent rate in 1998. Unemployment is high; the gray economy is large. Some workers receive their pay several months late.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police abused suspects and prisoners. The Government's practice of police compelling citizens to appear for questioning continued, despite official claims that the practice had ended pursuant to a 1997 law. Another 1997 law imposed some limitations on religious practices. Societal discrimination against minorities, including ethnic Albanians, ethnic Turks, Roma, and ethnic Serbs is a problem. Ethnic minorities made progress in securing more representation in state institutions, although ethnic Macedonians continue to hold a disproportionate number of positions. Violence and discrimination against women remain problems; the trafficking of women and girls for prostitution is also a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

The parliamentary commission investigating police conduct during the July 1997 demonstration, in which three persons were killed, completed its report in March. The commission concluded that police action in Gostivar to remove Albanian and Turkish flags from the municipal building was justified legally. In the riots that followed the police action, the commission determined that certain individuals and groups had exceeded their authority. The commission added that certain police officers searched homes illegally. However, the commission did not identify those persons responsible for abuses. Instead, it called on the Ministry of Interior to take responsibility for identifying those responsible and to take legal action against them. The Parliament, on adopting the commission's report, required the Government to respond by June, but there was no official response from the Government. However, the Government began to take some steps related to the report's recommendations, such as the improvement of police training. Other actions, including the reform of the Ministry of Interior to include an increase in ethnic minority representation in the police also are under way but have not been formally announced. However, the Government did not act on the commission's key recommendation to identify those persons responsible for individual abuses.

The investigation into the 1995 car bomb attack on President Gligorov continued but produced no results.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such treatment and punishment; however, police used excessive force during the apprehension of criminal suspects, and they abused prisoners, especially members of ethnic minorities. In September and October, following the arrests of six individuals suspected of arms smuggling, family members reported cruel treatment of the arrested individuals. Several off-duty police officers were fired from the force in September for assaulting a group of young men, who then pressed charges.

Albanian separatists set off three homemade bombs in Tetovo in January, without causing casualties or

much damage. Three more bombs exploded in Skopje in July, without injury or damage.

Prison conditions meet minimum international standards.

The Government permits visits by human rights monitors and the Human Rights Ombudsman. The International Committee of the Red Cross (ICRC) plans to begin prison visits as soon as the Government agrees to ICRC's standard modalities for such visits.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that a person must be arraigned in court within 24 hours of arrest. The maximum length of pretrial detention was increased in 1998 from 90 to 180 days by

constitutional amendment. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour requirement and deny immediate access to an attorney. Although the law requires warrants for arrests, this provision is sometimes ignored, and the warrant issued only some time after the arrest.

The Government continued the practice of police compelling citizens to appear at police stations through an "invitation" for "informative talks." Although a law on criminal procedures was passed in 1997 stating that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued, particularly with citizens of ethnic minority origin, despite government claims that the practice had ended. For example, police "invited" five ethnic Albanian political activists to report to a Skopje police station following one of a series of small bomb detonations in Skopje. The police had no official warrant nor did they document the meetings. The Government did not respond during the year to concerns raised by human rights groups and others about the continued practice.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice, although the court system is still developing and is sometimes inefficient and slow. The outcomes of a small number of cases were suspected of being influenced from outside the judiciary.

The court system is three tiered, comprising municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation

The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area. In addition, the Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates. The Office of the People's Ombudsman fills that role. The Ombudsman was appointed in July 1997, and the office became fully functional during the year (see Section 4).

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge has the final word. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is concerned. Trials cannot be televised, pursuant to

the Criminal Procedure Code, although the court can in certain cases authorize the presence of television and film cameras.

Four persons jailed during the year for crimes relating to the July 1997 events in Gostivar and Tetovo consider themselves political prisoners. The mayor and the municipal council president of Tetovo were sentenced to 2 years in prison for failure to observe a Constitutional Court order to remove Albanian flags from municipal buildings. The mayor of Gostivar was sentenced to 13 years and 8 months in prison for inciting riots and interethnic hatred, failing to abide by a judicial decision, and organizing resistance to the Government. The sentence was reduced on appeal to 7 years. The municipal council president of Gostivar was sentenced to 2 years' imprisonment in the incident. The four men reported to jail peacefully and are serving their sentences. The Ombudsman visited them and reported that they had no complaints. Nonetheless, ethnic Albanian political parties sponsored several mass rallies early this year to protest the sentences and to urge the release of the men, whom they consider political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Several daily newspapers are published in Skopje, as well as numerous weekly or periodical political and other publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies was not transparent this year, leading to charges of political bias in government support for the independent media. Several privately owned publications have a wide distribution throughout the country, and some are considered to be oriented towards opposition political parties. The media that remain partially state owned are government oriented but report opposition press conferences and statements and in general provide coverage of the major opposition parties.

The leading newspaper publisher is still partially government owned and controls one of only two modern, high-speed printing facilities in the country, as well as most newspaper kiosks. Opposition parties allege that government control and manipulation of the media prevent them from getting their messages across. However, the media were scrutinized closely during the year for their coverage of the parliamentary election campaign and voting. International monitors noted that the media provided generally unbiased coverage of the full spectrum of parties and candidates. However, several media outlets were criticized for their clear bias in favor of one political party.

Distributors of foreign newspapers and magazines must obtain permission of the Ministry of Interior. All such requests were approved during the year. Foreign newspapers, including those from neighboring countries, are available throughout the country.

One journalist, the editor of a large circulation opposition-oriented weekly magazine, was the victim of assault in 1998. The attack was alleged to be politically motivated, and the case was not solved.

The new Broadcast Council set up under 1997 legislation implemented a licensing regime to award concessions to radio and television broadcasters. International experts reviewed the process and standards and found them to meet international norms. Concerns that the Broadcast Council's recommendations would be subject to political pressure proved unfounded. Following a fairly transparent process involving several rounds of frequency distribution, the Ministry of Transportation and Communication awarded licenses to virtually all broadcasters who applied, including for local and national frequencies. There are dozens of small independent radio and television broadcasters throughout the country. The broadcast law directs that broadcast fees collected through individual electric bills subsidize both state-run Macedonian Radio and Television and the maintenance of infrastructure for other public and commercial broadcasting. Some stations are concerned that license fees are too high (although within international standards), but collection of the fees has not been completed and some adjustments were expected with the formation of the new Parliament and Government.

Individuals and opposition political groups may criticize the Government publicly without reprisal. The media do not appear to practice self-censorship due to fear of government reprisal. The Government does not censor books and other publications, nor does it censor films.

The Government respects academic freedom. Because higher education is not available in the Albanian language except for teacher training, some ethnic Albanians claim that they do not have complete academic freedom. They want to see the unauthorized Tetovo university gain legal status so that they can study in their mother tongue (see Section 5).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Advance notification of large meetings is optional; political and protest rallies occur regularly without major incident. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups.

Three organizers of a rally demanding international attention to the situation of ethnic Albanians in Kosovo were arrested. Authorities charged them with inciting racial and ethnic hatred. They were convicted and sentenced to a unknown punishment. They apparently were held responsible for the fact that, during the rally, several demonstrators chanted provocative slogans and waved the Albanian national flag. Their cases are on appeal.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties and organizations are required to register with a court. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma. A new ethnic Albanian party, comprising two previously registered parties, was denied registration by the judge responsible for the case, based on the grounds that the party's symbols and program contained elements that the judge considered unconstitutional. Subsequent rulings of the Appeals Court and the Constitutional Court questioned the grounds for the registration court's decision and returned the case to the original judge. However, even after the party modified its program to reflect some of the judge's concerns, the court ultimately blocked the registration because of the party's use of symbols of a foreign state (Albania), which is specifically prohibited under the Constitution.

c. Freedom of Religion

The Constitution specifically provides for freedom of religion for the Macedonian Orthodox Church and other religious communities and groups, and the Government generally does not interfere with the practice of religion. However, a 1997 law limits some aspects of religious practice. While only the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, both religious communities and religious groups are considered "legal entities." The law places some limitations on religious practices. For example, only citizens with permanent residence in the country may found a religious group. The law also stipulates that religious instruction only can be carried out in public spaces where religious services are held and that foreigners who wish to conduct religious services must obtain a routinely granted permit from the Government's Commission on Interreligious Relations before they enter the country. Some religious leaders have voiced concerns about the new law, although its practical effect has not been demonstrated fully. The law also requires that anyone carrying out religious work and religious rites be registered with the Commission. There are 18 registered religious groups and communities. An Islamic group was denied registration during the year. The Commission stated that the denial was due to the group's failure to meet administrative requirements; the Commission considers the case open.

Several registered Protestant groups were unable to obtain building permits for new church facilities due to normal bureaucratic complications that affect all new construction.

The refusal of the Serbian Orthodox Church to recognize the independence of the Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On a number of occasions the Government refused Serbian Orthodox priests permission to enter the country and apparently plans to continue doing so until the Serbian Church recognizes the Macedonian Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are permitted free movement within the country as well as the right to leave and return. These rights may be restricted for security, public health, and safety reasons but are fully respected in practice.

Some provisions of the law on citizenship are highly restrictive, requiring, for example, 15 years of residence for most naturalizations. This has left several thousand persons who were living legally in the country at the time of independence without citizenship. The law particularly affects ethnic Albanians who had moved to the country from other parts of Yugoslavia before Macedonia's independence. As citizens of the predecessor state living legally in the territory of the country at the time of independence, they believe they have a right to citizenship. The law also affects many Roma who wish to become citizens, particularly with regard to difficulties they encounter in establishing residence and meeting requirements of a regular income. In accordance with the Council of Europe Convention on Citizenship, which the Government signed, it must shorten the period of residency necessary for naturalization to 10 years.

Ethnic Albanians constitute a disproportionately high number of emigrants, due to stronger familial ties outside the country and longstanding economic relationships in other countries.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. However, it is working with the United Nations High Commissioner for Refugees to develop appropriate laws in this

area.

A few dozen ethnic Albanians from Kosovo have sought first asylum. There were no reports of the forced return of persons to a country where they feared persecution.

The Government remains concerned about the flow of economic and other illegal migrants from neighboring Albania, as well as from the province of Kosovo in Serbia-Montenegro. As the military's border protection capacity improved, illegal migration and smuggling incidents declined. Nonetheless, illegal entries continue and occasionally have led to shooting incidents.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country's third parliamentary elections were held in October and November and resulted in an opposition victory and a change of government.

The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that can produce a majority in the Parliament. He and the other ministers may not be Members of Parliament. The Prime Minister is formally appointed by the President, who is head of state, Chairman of the Security Council, and commander in chief of the armed forces.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. The Government has two female ministers and two female vice presidents with the rank of minister. In the newly elected Parliament 9 of 120 members are women, an increase from only 4 women in the previous Parliament. During the election campaign, the importance of increasing women's representation in Parliament was highlighted in the media and by nongovernmental organizations.

A number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Minorities nevertheless complained that the political structures were biased against them. A new electoral law incorporated elements of proportional representation, partly to address these concerns. A total of 35 of the 120 parliamentary members were chosen on the basis of proportionality, while the other 85 members were elected in single-member districts. Some ethnic Albanians complained that the Albanian-majority districts had more voters than districts with predominantly ethnic Macedonian populations, thus violating the "one-person, one-vote" principle. There is some merit to this complaint, but the ethnic Albanian party was consulted on the 1996 redistricting. Also, all the political parties supported the new electoral law. Some ethnic Albanians and Roma also complain that discrimination against them in citizenship decisions effectively disenfranchises a large portion of their community (see Section 2.d.).

Ethnic minority members of the new Parliament will include 25 ethnic Albanians, 1 Macedonian Muslim, 1 Rom, and an indeterminate, small number of Vlachs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally is responsive to the concerns of human rights groups. However, it did not respond to concerns raised by human rights groups and others about the practice of police compelling citizens to appear at police stations for so-called "informative talks" (see Section 1.d.). Human rights

groups and ethnic community representatives meet freely with foreign representatives without government interference. Several independent forums for human rights exist and operate freely, but their activities have not been prominent. In November one such forum, with the support of the Human Rights Ombudsman, widely distributed an information card for citizens on basic human rights.

In 1997 Parliament passed a law establishing an Ombudsman, intended to ensure the protection of citizens' constitutional and legal rights. The Ombudsman's office became fully functional in 1998. However, most complaints filed to date are not human rights issues and are instead about city licensing and municipal code problems.

The Government allows independent missions by foreign observers and during the year hosted a delegation from the Council of Europe's Committee for the Prevention of Torture. In late 1997 the country was removed from the mandate of the Special Rapporteur for the former Yugoslavia of the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and the protection of women's rights are problems.

Women

Violence against women, especially in the family setting, is common. Criminal procedures are available for victims of rape, including limited legal recourse in the case of marital rape.

Cultural norms discourage the reporting of such violence, and criminal charges on grounds of domestic violence are very rare. Public concern about violence against women is not evident in the media, although some women's groups are working to raise awareness of the issue. Shelters for victims of spousal abuse are operated by nongovernmental organizations. A hot line remains open, but its hours are limited.

The trafficking of women and girls for prostitution and pornography is a problem. In several cases during the year, women from Bulgaria, Russia, and Ukraine were discovered in several large towns. They are believed to have been recruited by traffickers in women for the purposes of sexual exploitation.

The sexual harassment of women in the workplace is a problem. Maternity benefits are good, with 9-months paid maternity leave. Women also retain for 2 years the right to return to their jobs.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is patriarchal, and the advancement of women into nontraditional roles is limited. Women are severely underrepresented in the higher levels of the private sector, although some professional women are prominent. Women from some parts of the ethnic Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society. In Muslim communities, especially among more traditional ethnic Albanians, some women are not enfranchised fully, due to the practice of family/proxy voting, through which men vote on behalf of the women in their families.

Women's advocacy groups include the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women, the Union of Associations of Macedonian Women, and the League of Albanian

Women.

Children

The Government is committed to the rights and welfare of children but in some areas is limited by resource constraints. Education is compulsory through the eighth grade, or to the ages of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Government encouraged ethnic minority students, particularly girls, to enroll in secondary schools. Medical care for children is adequate but hampered by the general difficult economic circumstances of the country and the weak medical system.

There is no societal pattern of abuse against children.

People With Disabilities

Social programs to meet the needs of the disabled exist to the extent that government resources allow. Discrimination on the basis of disability is forbidden by law. No laws or regulations mandate accessibility for disabled persons.

National/Racial/Ethnic Minorities

The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

Ethnic tensions and prejudices are present in society. The Government is committed to a policy of peaceful integration of all ethnic groups into society but faces political resistance and continued popular prejudices.

Representatives of the ethnic Albanian community, by far the largest minority group with 23 percent of the population according to government statistics, are the most vocal in charging discrimination. The underrepresentation of Albanians in the military and police is a major grievance of the community. In areas where the ethnic Albanian population is large, the police force remains overwhelmingly Slavic Macedonian. Members of ethnic minorities constitute 8 percent of the Ministry of the Interior; their numbers among police officers are lower. To raise this figure, in 1994-95 the Ministry introduced a quota of 22 percent for ethnic minorities when enrolling pupils at the police secondary school, although attrition has meant that graduating classes are not represented proportionately.

The military has achieved some success in its efforts to recruit and retain minority officers and cadets. Military service is a universal male obligation, and most young men, whatever their ethnic origin, answer their conscription notices. The proportion of ethnic Albanians in the ranks is now estimated at 25 percent. There are fewer ethnic Albanians in the officer corps, but some progress is being made in this area as well. Of junior officers, 8 percent are from ethnic minorities, while 14 percent of new cadets at the military academy are from ethnic minorities. Just over 8 percent of the civilian employees are from ethnic minorities; ethnic Albanians constitute only 3 percent of Ministry of Defense civilians. The deputy minister of defense and one of eight general officers are ethnic Albanians.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education is a crucial issue for the ethnic Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their mother tongues is increasing, and was 14 percent during the year, up from 13 percent in the previous school year. Still, most students from ethnic minorities do not go on to high school, partly because of the lack of available classes in minority languages at the secondary level and partly because the traditional nature of parts of Albanian society leads many families in rural areas to see no need to educate their children, especially girls, beyond the eighth grade.

At the university level, ethnic minorities are underrepresented, but there has been much progress in increasing the number of ethnic minority applicants and students since 1991. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, a quota that was not filled in 1998. Ethnic minorities in the 1998-99 school year constituted 16 percent of the enrolled students. Most university education is in Macedonian, although there is Albanian-language university education for students at Skopje University's teacher training faculty who study to teach in Albanian-language primary and secondary schools. An obstacle to increasing attendance of ethnic Albanians and Roma is their low but increasing enrollment in secondary education, especially of girls.

Demands for the legalization of an unofficial Albanian-language university in Tetovo during 1995 led to a violent clash between demonstrators and police in which one ethnic Albanian died and about 30 were injured. Since then the Government has tacitly allowed the university--which it still considers to be illegal--to function without giving it any official recognition. The issue of Albanian-language university education was debated productively during the parliamentary election campaign.

The Government has not supported three other demands of some ethnic Albanian leaders that would require parliamentary approval: Use of the Albanian language in dealings with the central government and Parliament, relaxing citizenship laws that now require 15 years of legal residence (see Section 2.d.), and official use of the Albanian flag.

Ethnic Turks, who make up about 4 percent of the population, also complain of governmental, societal, and cultural discrimination. Their main complaints center on Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to edu